

**-WEST PIKELAND TOWNSHIP
PLANNING COMMISSION**

MINUTES OF REGULAR MEETING OF JUNE 11, 2007

Call to Order

The meeting was called to order at 8:00 p.m. by Frank Best, Chairman. Other Planning Commissioners present were John Henssler, Sean O'Neill, Tom Dinan, Bill Normoyle and Paul Dowie. Also present were Township Engineer Ted Gacomis, Subdivision Officer Harry Miller, and Township Manager, Jeri L. Diesinger.

Mr. Best called for the approval of the Minutes of the May 14, 2007 meeting. Bill Normoyle stated that Heather Rifer had not been present at the May meeting, but another representative, John Kulp, was present. Subject to this correction, on motion by John Normoyle, seconded by Paul Dowie, the May 14, 2007 meeting minutes were approved by unanimous vote of those present.

Persons Wishing to be Heard (French and Pickering Creek Trust)

Frank Best asked if there was anyone present wishing to be heard (other than scheduled business).

Stock Illoway and Pam Brown, of the French and Pickering Creek Trust (FPCT) asked to address the Commission to update its Members of the FPCT's activities and to request the Township's support with respect to its watershed protection goals. They presented a map of the French and Pickering Creek watershed showing all of its sub-watersheds. Pam Brown stated that they have done strategic planning to identify the critical areas for protection and are enlisting local agency support in each sub-watershed to help preserve these critical areas. West Pikeland was indicated as being in 3 watersheds: the upper reach of the Pickering, the middle reach of the Pickering and Pine Run, and a small part of the Pigeon Run. FPCT has met with Charlestown, as well, concerning these sub-basin protection areas. FPCT has identified important parcels in these areas needing protection and has met with certain landowners to discuss the possibility of conservation easements on their parcels.

FPCT's present efforts are targeted toward cooperation with local municipal agencies for cooperative focus on these key parcels. FPCT believes the Open Space Bond Referendum in West Pikeland presents good opportunities to partner with FPCT on watershed protection through conservation easements. Jeri Diesinger stated that the Board of Supervisors will be considering, at its next meeting, an ordinance to place the open space bond referendum on the ballot. Sean O'Neill stated that the West Pikeland Land Trust has been working on the initiative for the Open Space Bond Referendum and asked FPCT to communicate with the Township's Land Trust with respect to the properties emphasized for protection in the Township.

FPCT has prioritized properties with special emphasis on stream frontage and proximity. Harry Miller asked if this planning by FPCT is a study group effort. Stock Illoway stated that it's more than study and that they are actively pursuing easements on the targeted properties. Harry Miller noted the present erosion occurring in the banks of the Pine Creek and questioned whether

FPCT could assist with remedial work. Pam Brown stated that they partner with Green Valleys Association on such work to seek grants to address several properties at once and that money is available for such work.

Stock Illoway stated that FPCT is also working on establishing trails along the French and Pickering Creeks and is currently working on a six mile stretch along the Pickering. He noted the Landis property (which the Planning Commission planned trails for) and property on Clover Mill Road to connect to Binky Lea as other targeted areas for establishing trails. Frank Best questioned to what degree the ADA requires that trails be accessible to persons with disabilities. Pam Brown stated that it depends on the source of funding. FPCT tries to provide accessibility even if it's only on a part of a trail, noting that with natural surface trails not all parts will be accessible. Ted Gacomis noted that when a Township funds trail construction with its own funds, it is not subject to ADA accessibility guidelines.

Mr. Illoway and Ms. Brown thanked the Commission and stated that they would be following up with the West Pikeland Land Trust.

Old Business:

A. Richard Wright Lot Line Adjustment Plan. (Plan by Yerkes Associates dated February 28, 2007).

No one was present on behalf of the Applicant. The sketch subdivision presented at the last meeting proposed the annexation, to the 1.72 acre Wright property on Lower Creek Road, of an additional 2.39 acres to be subdivided from the adjoining 25.67 acre Cattie property located on Drovers Lane in the Pine Creek Subdivision.

As requested at the last meeting, Jeri Diesinger received from the Applicant's attorney, Allan Schnoll, a copy of the recorded Declaration of Covenants, Restrictions and Easements for the Pine Creek subdivision (of which the Cattie parcel is part). Also, Ms. Diesinger located the approved Subdivision Plan for Pine Creek. Sean O'Neill has reviewed the Declaration and Subdivision Plan for Pine Creek. He noted the following concerns. The Pine Creek Declaration requires all owners to consent to its amendment and prohibits any further subdivision of any of the lots (except for minor lot line adjustments between the subdivision lots). In addition, the Declaration prohibits the placement of any new structures in the Pine Creek Subdivision lands except within the restricted building envelope noted for each lot on the Pine Creek Subdivision Plan, and the present applicant stated that he intended to build a detached garage building in the annexed land. This would appear to violate the Pine Creek building restriction. In addition, the Cattie parcel is subject to the note placed on the recorded subdivision plan stating that each lot is restricted, in perpetuity, against any subdivision and requiring that each contain such restriction. This note states that the restriction is for the benefit of all surrounding land owners. Since it was part of a conservation subdivision plan approved by the Township with this restriction stated on the plan, to lift that restriction would also require Township agreement.

Sean O'Neill stated that the Zoning Ordinance for this district (RC) indicates that properties with prime agricultural soils may not subdivide off residential lot area in sizes greater than one acre and that the proposed subdivision proposes greater than this amount and for annexation to a parcel that is already in excess of one acre in size.

No formal action was taken, but the Planning Commission asked Jeri Diesinger to write to the Applicant in order to communicate these concerns.

B. Bryn Coed Minor Subdivision Plan- NALT BCF Holdings

The Planning Commission received a review letter, dated May 29, 2007 from the Chester County Planning Commission. Jeri Diesinger confirmed that the Applicant has renewed the extension of time for action on the plan, pending resolution of the Planning Commission's outstanding conditions recommended for approval, until the Board Supervisors meeting of August 4, 2007.

New Business:

A. Jacob Yasgur Subdivision, Minor Subdivision Plan made by Jeffrey P. Turner, dated January 31, 2007.

The Planning Commission received the review letter from Ted Gacomis dated June 8, 2007. It is noted that planning module and test pit information has not been submitted.

The Planning Commission discussed the plan. The applicant may want to make use of the barn as an historic resource under the conditional use provisions of the ordinance allowing additional uses for historic resources. Ted Gacomis noted that the use of the barn should be specified or else a restriction should be noted since if the barn will be used for keeping livestock, etc, then added setbacks would be required.

Harry Miller questioned whether the proposed new driveway will cross wetlands. The applicant stated that it will not.

Tom Dinan asked why the driveway is located on Lot 1. Mr. Yasgur stated that it is too wet in the area of the other lot. Mr. Dinan stated that it appears a minor adjustment to the lot line could be made in order to avoid the need for a driveway easement. In that case, the west side of the driveway could be placed along the east side of Lot 1. The applicant will further study this with the engineer. Mr. Dinan believes this would also improve the site distances for the driveway connection to Route 401. The applicant stated that he is concerned about the wet areas to the east and that the culvert along the edge of the road may not permit this adjustment to the driveway and lot line locations. He will further review this as well with the engineer.

There was no action taken.

B. ACMEC of North America, Preliminary Subdivision Plan, dated May 4, 2007, by Yerkes Associates (9 sheets)

Present on behalf of the Applicant were Joseph Hunt, of Yerkes Associates, Sri Ram and Siriam Adhimoola, of ACMEC, and his architect, Kishor J. Joshi.

The Planning Commission has reviewed a review letter dated June 11, 2007.

The plan proposes construction of a place of worship at 1459 Conestoga Road on a 24.502 acre tract located on the east side of Route 401 between Chase lane and Lower Pine Creek Road. The applicant proposed a 41,201 square foot Temple and Auxiliary Building with parking and storm water management facilities.

Mr. Hunt stated that the applicant had received a special exception to conduct a religious use on the property in 2002. In 2004, the driveway was upgraded to support that use. The applicant has now constructed the storm water facilities for the driveway and has been conducting worship services at the property.

John Henssler recalled that the tract had previously been subdivided into two 12 acre lots for one residence on each. He questioned whether the Zoning Hearing Board approved the use of the second lot to incorporate into this religious use proposal. Mr. Hunt confirmed that there is a retention basin and some parking for the Temple on the second lot, but indicated that it may be possible, if desired, for the applicant to restrict the remaining land against any other subdivision or development.

Mr. Henssler pointed out that the lot proposed for development already has a house on it, and questioned whether this is permissible.

Mr. Henssler asked the Applicant to confirm that the time period for review of the plan has not commenced due to its incompleteness. There was a discussion of whether the plan submission included the sewage planning modules and accompanying data. Mr. O'Neill stated that he believed that the Subdivision and Land Development Ordinance requires completed sewage planning modules and accompanying health department witnessed soil testing data. He believes that this requirement was part of an amendment to the Subdivision Ordinance adopted by the Township in recent years. No planning module with accompanying test data has been submitted with the plan. The Planning Commission will further review the Ordinance and amendments to determine if this is required for a complete submission.

Ted Gacomis questioned whether the prior special exception allows the proposed Temple Building to be constructed. He has consulted with the Zoning Hearing Board solicitor, who has advised that he believes that the special exception would have to be amended to allow the present development since it was not part of the plans or proposal presented to the Zoning Hearing Board. The present zoning ordinance allows this use only by conditional use. The Township will have to determine whether the applicant needs to amend the special exception or seek a conditional use.

The applicant indicated that presently the property is used by about 4 or 5 families for regular worship. In addition, there is a festival annually that draws about 200 people. Sri Ram stated that the plans for a 36000 square foot Temple Building, previously prepared, were dropped before going to the Zoning Hearing Board. Now the Temple proposal is being reintroduced. The present need for it would be for the annual event, though, he hopes that it will, over time, draw worshippers from other areas for worship and anticipate that the number of regular worshippers would increase.

Kishor J Joshi, the architect, presented photographs of a similar temple building done in Bridgewater, New Jersey. He presented some conceptual sketch elevations and floor plans for the proposed Temple building. These show the Main Temple floor plan, which is largely open on the

inside. Front and side elevations are also shown. The Temple is drawn with a 55' high steeple. This area would not be occupied for any use. He has done similar designs for temple buildings in New Jersey and Strasburg, Pa.

The applicant indicated the existing house would be used a residence for the priest.

There is no specific, regular day of worship.

The peak use would be on Labor Day for the annual festival. In addition, ten to fifteen families might assemble on the first day of the year.

The largest gathering that has assembled on the property to date, for the annual festival, has been about 200 to 250 people and 80 cars. The largest assembly occurred when the Guru visited from India.

Sri Ram does not expect any significant changes in the assembly patterns once the Temple is built.

Mr. Best commented that the building is very large and will be very expensive to build and maintain, and questioned whether the proposal is financially supportable, given the small numbers of worshippers expected to use the Temple. Sri Ram stated that the project will be funded largely by the congregation including those who come only annually. He does not see immediate change once the building is built, but would hope to move to a next stage of support after that. He expects that the Temple will be supported and used for many generations of worshippers.

Mr. Dinan asked what the anticipated cost of construction of the facility will be. The applicant replied that this has not been determined.

Mr. Dinan asked if there will be living quarters in the auxiliary annex. The Applicant stated there will not be. Mr. Joshi stated that the reason for the increase from the original 36,000 square foot proposal to the present 41000 s.f. proposal was due to the addition of the auxiliary annex. He stated that the Temple itself can not be compromised by other uses or activities. The annex therefore is to allow for rest rooms, coffee, resting areas, removal of shoes before Temple entry, and a dining cafeteria for Temple visitors.

Mr. O'Neill asked how the parking requirements were calculated. Mr. Hunt stated, since there are not seats, he used an "assumed" number of seats that could be accommodated by the largest seating room. There are one hundred spaces provided based on seating in the auxiliary area for 200 people.

Mr. Ram stated that, during festival time, visitors may be on the property until approximately 8:00 or 9:00 p.m.

Mr. Henssler asked about lighting. The applicant stated that there will be no lighting on the driveway (unless required). Only the parking areas will be lit. Mr. Henssler referred the applicant to the Township's lighting ordinance for planning.

Mr. Henssler noted that the Township's Zoning Ordinance has provisions for ridgeline protection and that the proposal will have to be reviewed to determine applicability of those provisions and compliance of the proposal.

Mr. Hunt stated that the plan nicely preserves the woodlands on the site and that about 15 acres of woodlands are untouched. He stated that the existing hedgerow in the back of the property serves as a buffer to the residences to the north.

Regarding the large size of the building, an ACMEC representative stated that they must comply with certain standards for places of worship. There is a station for the main deity, and then they must observe spacing and configuration between various stations for other deities.

In reply to a question, the applicant stated that ACMEC's mission entails a variety of cultural, nursing, educational and other activities, in addition to its religious activity. However, no other such uses are planned for this facility.

The applicant is not averse to restricting the "open space" on the site, including prohibiting construction of a second house, against any development.

The landscaping of the site is planned to include planting around the entire perimeter for buffering and for shade and cooling. The Landscape plans presently show the light levels proposed.

Mr. Hunt stated that the applicant already has PA DOT approval for the driveway, and, in his opinion, since the traffic volumes will be the same as presently, after construction, no further approval would be required for the present development proposal.

The Temple building was noted to be about 31,000 s.f. in size, while the auxiliary annex is approximately 10,000 s.f.

Mr. O'Neill asked whether a traffic study has been prepared for the proposal. Mr. Hunt stated that they had not planned to do one. He stated that it is difficult to calculate peak volumes for this type of use.

Mr. Hunt stated that they will plan to prepare next month for a formal submission and he is willing to confirm in writing that the present submission need not be considered complete for this purpose. They will wait to secure an opinion from the Township on zoning and plan on formally submitting next month.

Adjournment

There being no further business, on motion of John Henssler, seconded by Paul Dowie, the Planning Commission unanimously adjourned at 9:57 p.m.

Respectfully submitted,
Sean O'Neill, secretary